

IN RE: PETITION FOR VARIANCE
SW/Corner Reisterstown Road
and Old Court Road
(1504 Reisterstown Road)
3rd Election District
2nd Councilmanic District
MHL Realty Company
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-171-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the subject property known as 1504 Reisterstown Road located in the Pikeville area of Baltimore County. The Petition was filed by the owner of the property, MHL Realty Company, by Miriam Rudich, Partner, and the Contract Lessee, Marjeff, Inc., by Marc Komins, President, through their attorney, F. Vernon Boozer, Esquire. The Petitioners seek relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 409.6.A.2 to permit 124 parking spaces in lieu of the required 168 spaces; from Section 409.8.4 to permit parking setbacks of 1.6 feet and 8 feet in lieu of the required 10 feet; from Section 413.2.A to permit a total canopy sign area of 595 sq.ft. in lieu of the maximum permitted 488.8 sq.ft.; and, from Section 413.2.E to permit an identification sign of 208 sq.ft. in lieu of the maximum permitted 150 sq.ft. The subject property and the relief requested are more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing held in this matter were Jerome Rudich on behalf of MHL Realty Company, property owner, and Marc Komins, President of Marjeff, Inc., Contract Lessee. The Petitioners were represented by Thomas P. Dore, Esquire. Appearing as interested parties in the matter were Gabriel W. Rosenbush, Jr., on behalf of the Pikeville Chamber

of Commerce, and Jay Leventhal who owns and operates Bedford Cleaners and Cobblers, Inc. within the subject site.

Testimony and evidence offered revealed that the subject site consists of approximately 2.0 acres, zoned B.L.-C.T., and is located at the intersection of Reisterstown Road and Old Court Road near the center of the Pikeville commercial district. Presently, the property is improved with a one-story masonry building which has existed on the site for some time. The property supports a number of retail uses within the building, the largest of these being a Staples Office Supply store. However, there is also a dry cleaning business, gift shop, hair salon and similar uses on the property. The subject Petition was actually filed by Marjeff, Inc., a sub-tenant of the Staples Office Supply store. Marjeff, Inc. operates the business known as Greenie's Billiard Sports Arena which is located in the basement of the structure on this site. On behalf of Marjeff, Mr. Komins testified that Greenie's has existed at the subject location for approximately 1.6 years. He noted that Greenie's is a billiard hall and that the business contains 20 pool tables, 3 ping pong tables, and 3 large screen televisions for its customers. Mr. Komins stated the business is open 24 hours a day, 7 days a week, with most of the patronage between the hours of 8:00 PM and Midnight. This works well with the other tenants on the subject site in that those retail/service uses are open during traditional business hours. Thus, Mr. Komins opined that this business does not adversely affect traffic and customer flow to other tenants on the site.

Mr. Komins' testimony was corroborated by Jay Leventhal, the proprietor of Bedford Cleaners and Cobblers, Inc. which also leases space on this site. Mr. Leventhal indicated that there were no parking problems brought about by the operation of the pool hall. He indicated his main

reason for attending the hearing was to legitimize a temporary sign which faces the rear of the site and Bedford Avenue advertising his business. Mr. Leventhal testified that this sign is necessary due to the hidden location of his business.

As to the variances requested, two relate to parking requirements. The first seeks a numerical variance of 44 spaces. Specifically, the Petitioner shows 124 spaces provided on site in lieu of the required 168. The second parking variance relates to setbacks of 1.6 feet and 8 feet in lieu of the required 10 feet for parking on the north side of the property. It is to be noted that these two variances seek to legitimize an existing situation. That is, the parking area has been in its present configuration for many years and the Petitioner is not redeveloping the site. As to the variance relating to the number of spaces provided, the testimony of Mr. Komins was particularly persuasive. As noted above, his business operates at off-peak traditional business hours. That is, when most of his customers arrive, typically on weekend evenings, the other businesses on the site are closed. Thus, they do not compete for parking spaces and the number of spaces appears sufficient. As to the setback variance, same is necessary to legitimize the existing parking configuration and those spaces on the north side of the property. Were the variance to be denied, a number of spaces would be lost and parking made particularly difficult. In view of this, I am persuaded to grant both parking variances.

As to the sign variances, the first relates to business signage requirements set forth in Section 413.2.E of the B.C.Z.R. which limits total signage to 150 sq.ft. This amount is exceeded by an existing sign on the front of the site facing Reisterstown Road. As shown on the site plan, that sign, which appears modest and consistent with other signage in

the area, totals 208 sq.ft. in area. The variance request is based on the view of the number of tenants in the area and the use of the property and signage in the area. The other variance relates to the identification sign on the store front canopy. This sign exceeds the permitted area of 150 sq.ft. that same totals 208 sq.ft. in area. It is noted that the sign is a Greenie's sign which directs patronage to that business. As to the parking variances, both of the sign variances are requested and should be granted. Again, they appear consistent with existing signage and the longstanding use of this property.

All of many of the cases involving property in this area, the Pikeville Chamber of Commerce has interest in the subject Petition and Mr. Gabriel Rosenbush from that office appeared. His office supports the variance relief requested; however, it suggests certain restrictions be imposed. The first related to a request that the Petitioner's outdoor increased lighting around the property and that lighting at the premises not be extinguished before 11:00 PM evenings. This request is made to keep the Pikeville towncenter well lit during evening hours to attract more customers and to discourage crime. In that the property owner is agreeable to this restriction, same shall be incorporated into the Petition.

The second restriction is one that has been requested by the Chamber on prior occasions. Specifically, it asks for a restriction that the relief requested be utilized within two years of the date of the approval or loss. Unlike a special exception, a variance is not conditioned upon a given use or construction in the property. Thus, this restriction is neither practical nor logical. Clearly, the property has been used in its current fashion for some time. Moreover, the tenants of this site

will remain, assuming that the businesses continue to flourish. I will therefore decline adopting this particular restriction.

As to the other proposed restrictions, the Chamber requests that this property owner be required to enter into an agreement with any private parking provider in the event public parking garages are constructed near this site. Testimony and evidence offered in this case was that the parking lot on this property is not fully used at this time because of the differing peak hours of the various businesses. In view of this fact, the property does not appear to create parking congestion in the Pikeville area on the whole. I will therefore not require the Petitioner to obtain off-site parking arrangements.

Lastly, it need not be said that any other signage, be it permanent or temporary in nature, must comply with all applicable zoning regulations and secure the necessary permits. This addresses the other restrictions presented by Mr. Rosenbush as well as Mr. Leventhal's comments. The relief granted herein is as shown on the site plan. Temporary signs will be regulated pursuant to the B.C.Z.R. and regulations promulgated by the Department of Permits and Licenses.

The final restriction requested by Mr. Rosenbush relates to the recent renovation of the Pikeville streetscape. Specifically, the streetscape of Reisterstown Road has recently been renovated and additional plantings have been installed. I will not require the Petitioner to maintain that streetscape, although it must obviously maintain its property in a reasonable manner consistent with the provisions of the B.C.Z.R. Adding a restriction requesting subjective cleaning and maintenance of the property is difficult to enforce and impractical.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of February, 1994 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 409.6.A.2 to permit 124 parking spaces in lieu of the required 168 spaces; from Section 409.8.4 to permit parking setbacks of 1.6 feet and 8 feet in lieu of the required 10 feet; and from Section 413.2.A to permit a total canopy sign area of 595 sq.ft. in lieu of the maximum permitted 488.8 sq.ft., and from Section 413.2.E to permit an identification sign area of 208 sq.ft. in lieu of the maximum permitted 150 sq.ft., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Pursuant to the request made by the Pikeville Chamber of Commerce, the Petitioner shall consider increased lighting around the property. Furthermore, all lighting on the premises shall not be extinguished before 11:00 PM evenings.
- 3) Besides the sign variances granted herein, any other signage, be it permanent or temporary in nature, must comply with all applicable zoning regulations. The Petitioner shall secure the necessary permits for any future signage on the premises.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LES:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

February 28, 1994

(410) 887-4386

Thomas P. Dore, Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
SW/Corner Reisterstown Road and Old Court Road
(1504 Reisterstown Road)
3rd Election District - 2nd Councilmanic District
MHL Realty Company - Petitioner
Case No. 94-171-A

Dear Mr. Dore:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Jerome Rudich, c/o MHL Realty Company
P.O. Box 425, Stevenson, Md. 21153

Mr. Marc Komins
1510 Reisterstown Road, Baltimore, Md. 21208

Mr. Gabriel W. Rosenbush, Jr., Pikeville Chamber of Commerce
7 Church Lane, Baltimore, Md. 21208

Mr. Jay Rosenthal, President, Bedford Cleaners
1501 Bedford Avenue, Baltimore, Md. 21208

People's Counsel: FLY

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 1504 Reisterstown Rd., Pikesville, MD 21208
which is presently zoned BL-C7

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 409.6.A.2, 413.2 & 409.8

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty.) Section 409.6.A.2. creates a practical difficulty to the owner, lessee, and sublessee of the property to operate the sublet space without contracting for off-site parking. Conformity with Section 409.6.A.2. is unnecessarily burdensome on Petitioners. The grant of a variance would do substantial justice to Petitioners, and relief can be granted in such fashion that the spirit of the ordinance would be observed and public safety and welfare secured.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser: Marjeff, Inc.
Type or Print Name: Marjeff, Inc.
Signature: Mark A. Riddle
Address: 1510 Reisterstown Rd.
City: Baltimore, Maryland 21208
Phone No.: 5661
Attorney for Petitioner: GGG
Signature: GGG
Address: 614 Bonle
City: Towson, M
Phone No.: 821-5800
Lessee: Staples, Inc.
Address: 100 Pennsylvania Avenue
City: Framingham, MA 01701

6 No 'REQUEST' ON PETITION FORM (ON PLAT ONLY)
9 No PHONE NO. FOR L.O.
4 NEED PRINTED NAME + TITLE FOR C.P.
No REVIEW
10-18-93
WCR
168

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 1504 Reisterstown Rd., Pikesville, MD 21208
which is presently zoned BL-C7

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE REVISED ATTACHMENT

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty.) Section 409.6.A.2. creates a practical difficulty to the owner, lessee, and sublessee of the property to operate the sublet space without contracting for off-site parking. Conformity with Section 409.6.A.2. is unnecessarily burdensome on Petitioners. The grant of a variance would do substantial justice to Petitioners, and relief can be granted in such fashion that the spirit of the ordinance would be observed and public safety and welfare secured.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser: Marjeff, Inc.
Type or Print Name: Marjeff, Inc.
Signature: Mark A. Riddle
Address: 1510 Reisterstown Rd.
City: Baltimore, Maryland 21208
Phone No.: 5661
Attorney for Petitioner: P. Vernon Booser, Esquire
Signature: P. Vernon Booser, Esquire
Address: 614 Bonle
City: Towson, Maryland 21204
Phone No.: 821-5800
Lessee: Staples, Inc.
Address: 100 Pennsylvania Avenue
City: Framingham, MA 01701

168

REVISED ATTACHMENT TO ZONING PETITION

A variance is hereby requested from the requirements of the following sections of the Baltimore County Zoning Ordinance:

- From Section 409.6.A.2, variance to permit 124 parking spaces in lieu of the required 168 parking spaces.
- From Section 413.2(a), variance to permit 595 square feet of total canopy sign area in lieu of the permitted 488.8 square feet.
- From Section 413.2(e), variance to permit identification sign area of 208 square feet in lieu of the permitted 150 square feet.
- From Section 409.8(4), variance to permit parking setbacks of 1-1/2 feet and 8 feet in lieu of the required 10 feet.

16' gab. 14

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3rd
Posted for: Variance
Petitioner: M.H. Realty Co. - Marjeff, Inc. - Staples, Inc.
Location of property: 1504 Reisterstown Rd. Pikesville, Md. 21208
Location of Sign: Facing Reisterstown Rd. on N. side of property
Remarks: See attached plat
Posted by: Mark A. Riddle
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., Nov 5, 1993

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov 4, 1993.

THE JEFFERSONIAN,
A. Henickson
LEGAL AD. - TOWSON
Publisher

CERTIFICATE OF PUBLICATION

TOWSON, MD., 12/23, 1993

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/23, 1993.

THE JEFFERSONIAN,
A. Henickson
LEGAL AD. - TOWSON
Publisher

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

RECEIVED FOR VARIANCE
110
080

needs
advertising

STV Group

- North 23°06'17" East 13.44 feet to a point to intersect the southeasterly side of the aforementioned Old Court Road, thence along same, the five following courses and distances.
- North 71°34'59" East 39.55 feet to a point, thence,
- North 65°54'42" East 91.15 feet to a point, thence by a curve to the left having,
- A radius of 1,834.00 feet, an arc length of 130.80 feet, said curve being subtended by a chord bearing North 62°43'35" East 130.77 feet to a point, thence,
- North 60°41'20" East 57.75 feet to a point, thence,
- South 77°26'40" East 47.07 feet to a point to intersect the aforementioned southwesterly side of Reisterstown Road, thence along same,
- South 42°06'00" East 168.28 feet to the point of beginning.

CONTAINING 87,145 square feet or 2.0006 acres of land, more or less, as surveyed by STV GROUP on August 21, 1992, and referred to in deed Liber E.H.K., Jr. No. 6304, folio 685, etc.

Mark A. Riddle
STV GROUP
Mark A. Riddle
MD Professional Land Surveyor No. 10899

August 25, 1993



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Date: 10/18/93

0020 - VARIANCE \$250.00

Legal Owner: M.H. Realty Company
Contract Purchaser/Sub-Lessee: Marjeff, Inc.
Lessee: Staples, Inc.
1504 Reisterstown Road
Pikesville, Md. 21208
Attorney: P. Vernon Booser

01A0100821CHRC
SA COLL 120A010-20-93
Please Make Checks Payable To: Baltimore County

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Date: 10/18/93

0020 - VARIANCE \$250.00

Legal Owner: M.H. Realty Company
Contract Purchaser/Sub-Lessee: Marjeff, Inc.
Lessee: Staples, Inc.
1504 Reisterstown Road
Pikesville, Md. 21208
Attorney: P. Vernon Booser

COPY

TO: PUTNEY PUBLISHING COMPANY
November 4, 1993 Issue - Jeffersonian

Please forward billing to:

F. Vernon Booser, Esq.
614 Bosley Avenue
Towson, Maryland 21204
410-828-9441

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-171-A (Item 168)
1504 Reisterstown Road - "Club Centre"
SM/C Reisterstown Road and Old Court Road (Route 133), which is 240' E from c/l of (Old) Old Court Road 3rd Election District - 2nd Councilmanic
Petitioner/Owner: MHL Realty Company
Petitioner/Sub-Lessee: Marjeff, Inc.
Petitioner/Lessee: Staples, Inc.

Variance to permit 595 sq. ft. of total canopy sign area in lieu of the permitted 488.8 sq. ft.; to permit identification sign area of 208 sq. ft. in lieu of the permitted 150 sq. ft.; to parking setbacks of 1-1/2 ft. and 8 ft., in lieu of the required 10 ft.

HEARING: TUESDAY, NOVEMBER 23, 1993 at 9:00 a.m. in Rm. 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

OCTOBER 29, 1993

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-171-A (Item 168)
1504 Reisterstown Road - "Club Centre"
SM/C Reisterstown Road and Old Court Road (Route 133), which is 240' E from c/l of (Old) Old Court Road 3rd Election District - 2nd Councilmanic
Petitioner/Owner: MHL Realty Company
Petitioner/Sub-Lessee: Marjeff, Inc.
Petitioner/Lessee: Staples, Inc.

Variance to permit 595 sq. ft. of total canopy sign area in lieu of the permitted 488.8 sq. ft.; to permit identification sign area of 208 sq. ft. in lieu of the permitted 150 sq. ft.; to parking setbacks of 1-1/2 ft. and 8 ft., in lieu of the required 10 ft.

HEARING: TUESDAY, NOVEMBER 23, 1993 at 9:00 a.m. in Rm. 106, County Office Building.

Arnold Jablon
Arnold Jablon
Director

cc: MHL Realty Company
Marjeff, Inc.
F. Vernon Booser, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink
on Recycled Paper

TO: PUTNEY PUBLISHING COMPANY
December 23, 1993 Issue - Jeffersonian

Please forward billing to:

F. Vernon Booser, Esq.
614 Bosley Avenue
Towson, Maryland 21204
410-828-9441

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

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HEARING: THURSDAY, JANUARY 13, 1994 at 9:00 a.m. in Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

OCTOBER 15, 1993

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-171-A (Item 168)
1504 Reisterstown Road - "Club Centre"
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Petitioner/Owner: MHL Realty Company
Petitioner/Sub-Lessee: Marjeff, Inc.
Petitioner/Lessee: Staples, Inc.

Variance to permit 595 sq. ft. of total canopy sign area in lieu of the permitted 488.8 sq. ft.; to permit identification sign area of 208 sq. ft. in lieu of the permitted 150 sq. ft.; to parking setbacks of 1-1/2 ft. and 8 ft. in lieu of the required 10 ft.

Arnold Jablon
Arnold Jablon
Director

cc: Jonathan Arzall, Esq.
Marjeff, Inc.
Staples, Inc.
Roger J. Sullivan, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink
on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

November 12, 1993

F. Vernon Booser, Esquire
Covahay & Booser, P.A.
614 Bosley Avenue
Towson, Maryland 21204

RE: Case No. 94-171-A, Item No. 168
Petitioner: MHL Realty Company, et al
Variance
Dear Mr. Booser:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on October 18, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: November 8, 1993

FROM: Robert W. Bowling, Senior Engineer
Development Plan Review Section

RE: Zoning Advisory Committee Meeting
for November 8, 1993
Item No. 168

The Development Plan Review Section has reviewed the subject zoning item. We recommend to the Zoning Commissioner that a supplemental landscape plan be required that combines the existing landscaping with proposed landscaping that meets the Landscape Manual standards.

The existing access off Old Court Road needs to be closed permanently and the "angled" parking spaces along Old Court Road should be changed to "perpendicular" spaces. This would provide for some additional parking spaces.

RWB:s



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: +168 (WCR)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
DAVID N. KAMSEY, ACTING CHIEF
John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2888 (Toll Free)
Hearing Address: P.O. Box 717 - Baltimore, MD 21201
Street Address: 700 North Eager Street - Baltimore, Maryland 21201

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: November 1, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

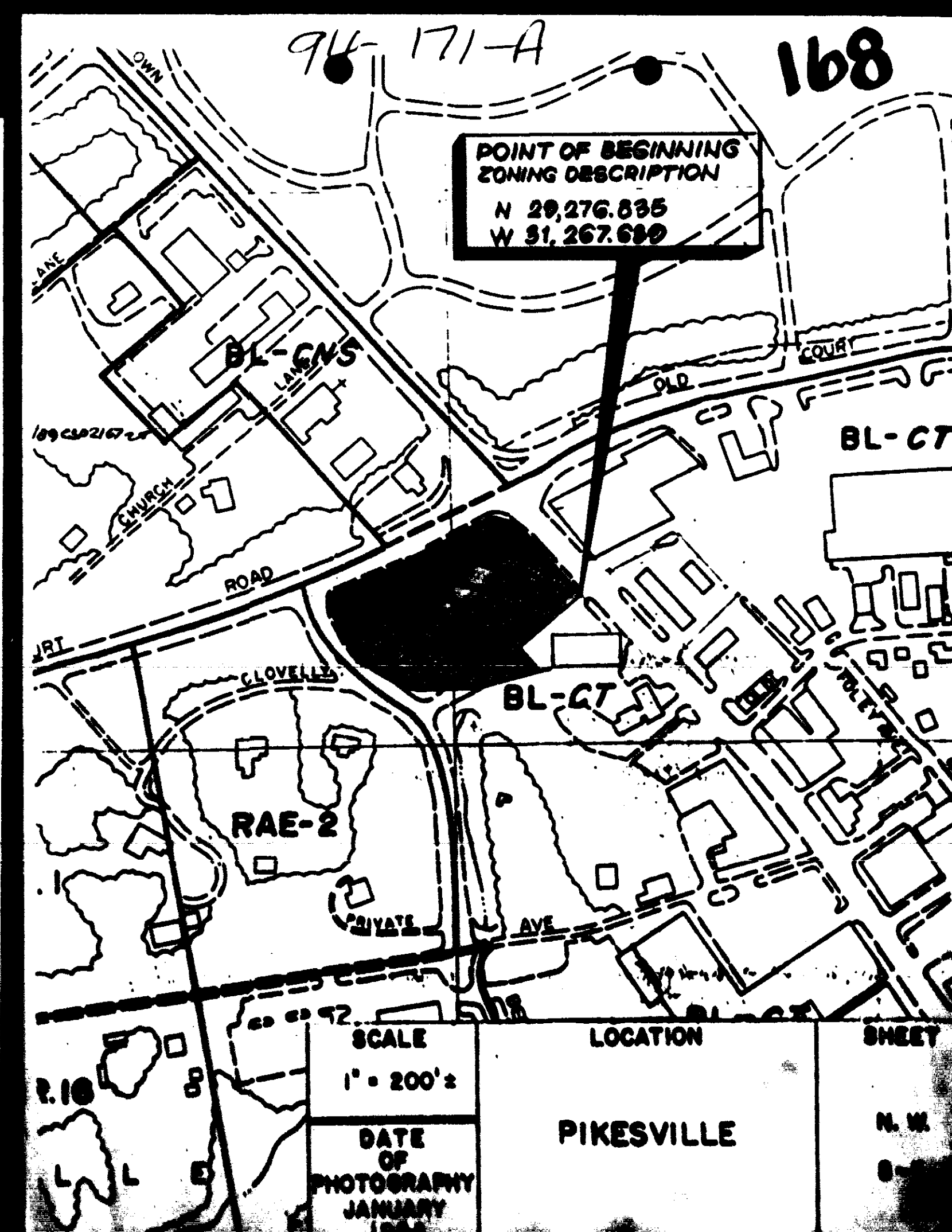
The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 144, 167, 169, 172, 175, 176 and 177.

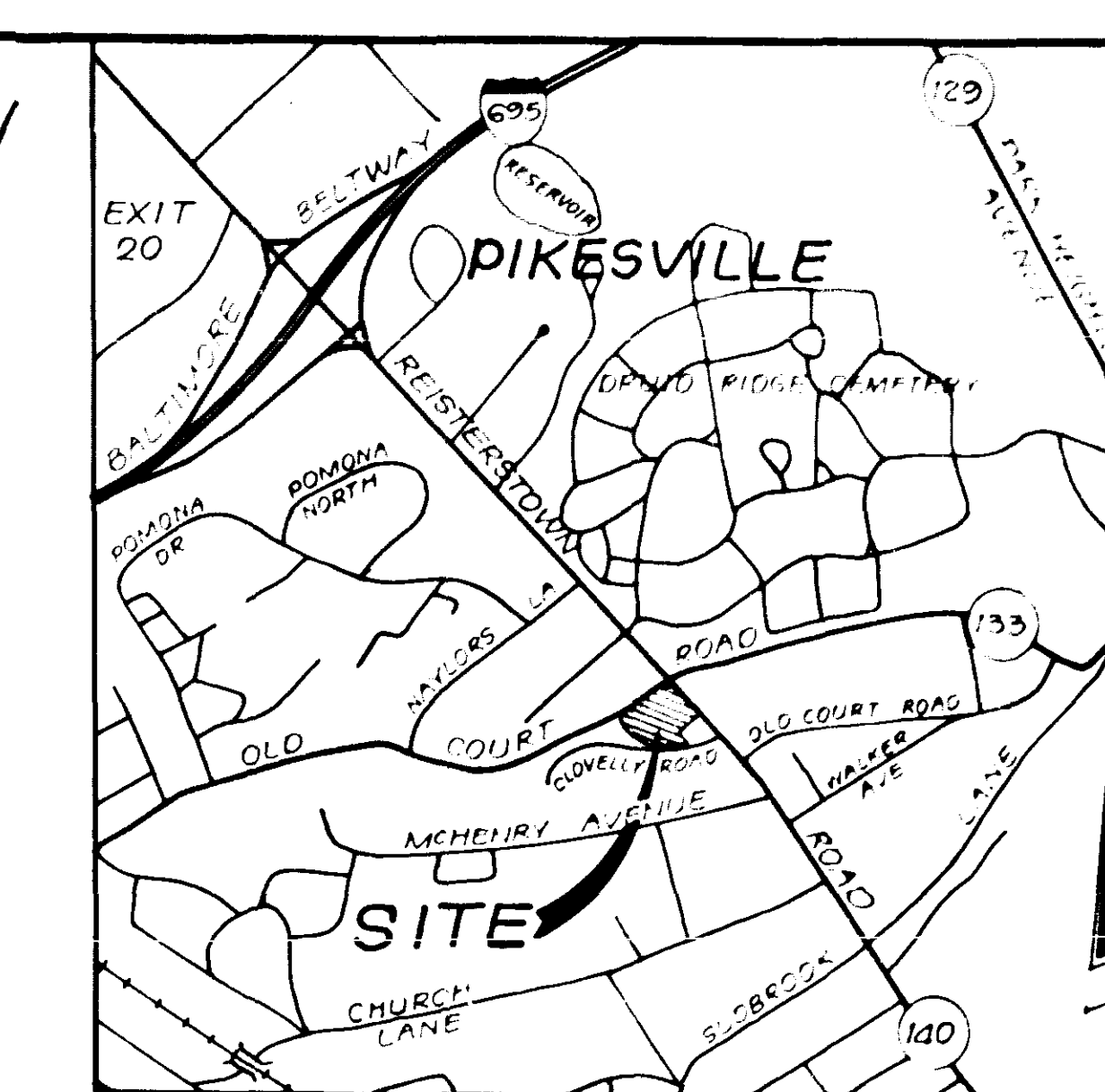
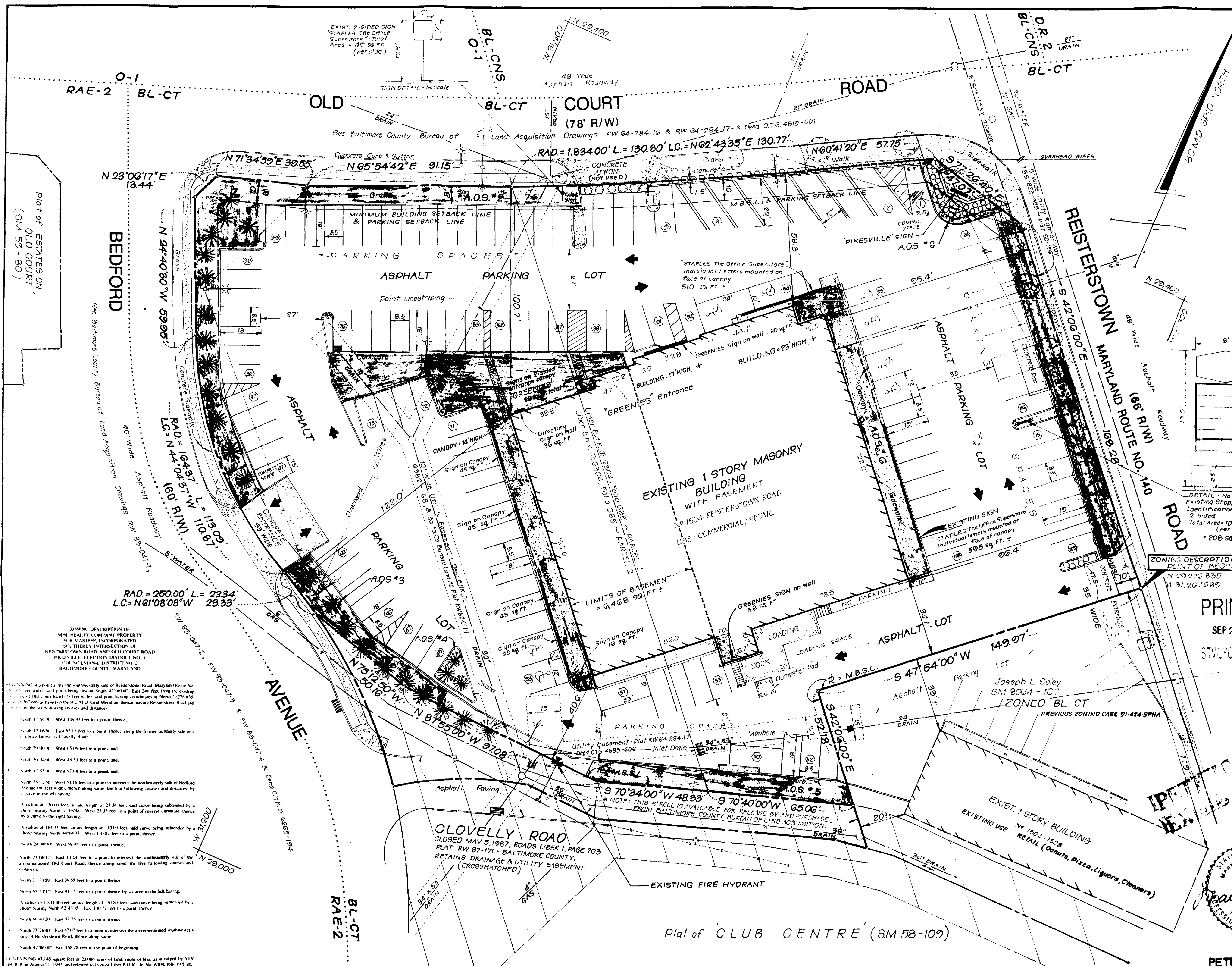
If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey M. Long*
Division Chief: *Barry L. Long*

PK/JL:lw

ENC. 144/167/169/172/175/176/177





LOCATION MAP
SCALE: 1" = 1000'

- NOTES**
- BEARINGS AND COORDINATES AS SHOWN HEREIN ARE FROM A SURVEY PREPARED BY STVLON ASSOCIATES, DATED AUGUST 21, 1992, AND REFERENCED TO THE BALTIMORE COUNTY METROPOLITAN DISTRICT FOR MERIDIAN FROM TRAVELER/STATION STATIONS.
 - OWNERS/DEED REFERENCE: MNR REALTY COMPANY, LORDE & CO., INC. 1304 BALDWIN AVE. DATE: JUNE 10, 1991.
 - TAX MAP NO. 78, BLOCK 2, PARCELS 39 & 40.
 - TAX ACCOUNT NO. 031403510.
 - GROSS SITE AREA AS SURVEYED = 2.000 ACRES ± (17,145 SQ. FT. ±).
 - EXISTING ZONING CLASSIFICATION: BL-CT (BUSINESS LOCAL, COMMERCIAL TOWN CENTER & CORE).
 - ZONING MAP NO. N.W. 89-20 (SCALE).
 - PREVIOUS ZONING HEARING CASE NOS. NONE.
 - SITE ADDRESS: NO. 1504 REISTERSTOWN ROAD, BALTIMORE, MARYLAND 21204.
 - APPLICANT FOR ZONING PETITION: MARJEFF, INCORPORATED, 614 BOWLEY AVENUE, TOWSON, MARYLAND 21204, ATTN: F. VERMILION, ESQ.
 - DENSITY CALCULATIONS: PERMITTED FLOOR AREA RATIO = 10; EXISTING FLOOR AREA = 9,121 SQUARE FEET; EXISTING FLOOR AREA RATIO = 0.523; 0.523 x 17,145 = 9,067.
 - PARKING CALCULATIONS: REQUIRED PARKING: MERCHANDISE STORES & BASKET: 147 SQ. FT. - 51 SPACES; ASSEMBLY, PORCHES & HALLWAYS: 10,705 SQ. FT. - 4,018 SPACES; TOTAL REQUIRED = 156 SPACES. TOTAL PROVIDED = 124 SPACES. PETITION FOR VARIANCE REQUESTED FOR = 32 SPACES.
 - ALL SIGNS MUST CONFORM TO THE REQUIREMENTS OF SECTION 411 OF THE BALTIMORE COUNTY ZONING REGULATIONS AND ALL ZONING POLICIES (SEE NOTE 13).
 - ADHERENT OPEN SPACE REQUIREMENTS: MINIMUM PERMITTED ADHERENT OPEN SPACE RATIO = 0.1; 0.1 x 17,145 = 1,714 SQ. FT. REQUIRED. ADJ. PROVIDED: AREA # 1: 4,300; 2: 3,200; 3: 915; 4: 1,200; 5: 1,200; 6: 1,200; 7: 1,200; 8: 300; TOTAL: 13,100.
 - PREVIOUS BUILDING PERMITS: B 131481 CW 85992; B 136116 CW PD-92; B 136888 CW C-1191-92; B 146784 CW PD-92.
 - A VARIANCE IS HEREBY REQUESTED FROM THE REQUIREMENTS OF SECTION 413.3(b)(3) OF THE BALTIMORE COUNTY ZONING ORDINANCE, FOR THE FOLLOWING: SECTION 413.3(b)(3) FOR THE EXISTING SHOPPING CENTER IDENTIFICATION SIGN ALONG REISTERSTOWN ROAD. EXISTING TOTAL SIGN AREA = 308 SQ. FT. PERMITTED TOTAL SIGN AREA = 120 SQ. FT. VARIANCE REQUESTED FOR = 188 SQ. FT. SECTION 413.3(b)(3) FOR THE EXISTING SHOPPING CENTER IDENTIFICATION SIGN ALONG REISTERSTOWN ROAD. EXISTING TOTAL SIGN AREA = 308 SQ. FT. PERMITTED TOTAL SIGN AREA = 120 SQ. FT. VARIANCE REQUESTED FOR = 188 SQ. FT.
 - A VARIANCE IS HEREBY REQUESTED FROM THE PARKING REQUIREMENTS OF SECTION 413.3(b)(4) OF THE BALTIMORE COUNTY ZONING ORDINANCE, FOR THE FOLLOWING: SECTION 413.3(b)(4) FOR EXISTING PARKING ALONG OLD COURT ROAD AND BEDFORD AVENUE. EXISTING SETBACK = 12' AND 8' BEDFORD AVENUE EXISTING SETBACK = 8' MINIMUM PERMITTED SETBACK = 10'.

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCES

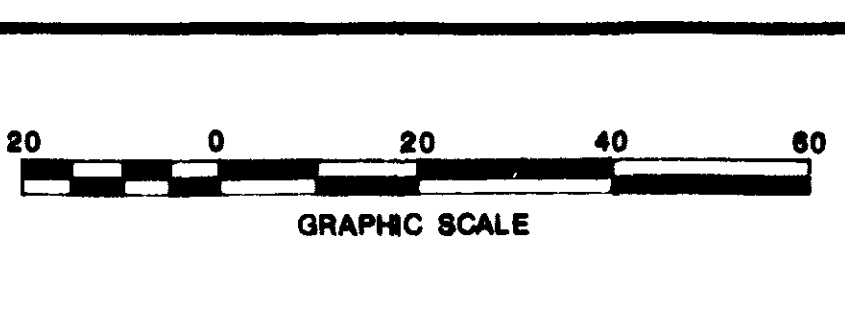
STVLON ASSOC.

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STATE OF MARYLAND
NOTARY PUBLIC
ALAN R. [Signature]
BALTIMORE, MARYLAND

STV GROUP, INC.
Engineers Surveyors Planners
21 Governor's Court Baltimore, Maryland 21244
Telephone : 410-944-9112

REVISIONS		
NO.	DATE	DESCRIPTION
1	9/27	PER 9/17/93 CORRESPONDENCE COVAHEY & BOOZER



PLAN PREPARATION	
DRAWN BY: MGH/MAR	DATE: AUG. 10, 1993
DESIGNED BY:	SCALE: 1" = 20'
CHECKED BY: [Signature]	

MARJEFF, INCORPORATED
PROPERTY
SOUTHEAST CORNER REISTERSTOWN & OLD COURT ROADS
ELECTION DISTRICT NO. 3, C-2 PIKESVILLE
BALTIMORE COUNTY, MARYLAND

DRAWING NO.
61-9053
SHEET NO.
1 of 1